

## Frequently Asked Questions Regarding the Dunphy Park Encampment

### Updated April 9, 2021

#### Overall Status of the Dunphy Park Encampment

**Q. When did a tent encampment first appear at Dunphy Park?**

A. The first tent was erected at Dunphy Park on or around December 28, 2020.

**Q. How many people are camping at Dunphy Park?**

A. The City is not counting the number of people camping at Dunphy Park. As of April 9, there were approximately 44 tents, up from about 22 in mid-February. Some tents are used for storage.

**Q. Do all the encampment occupants lack housing or a place to sleep indoors?**

A. The City does not take a census of who is living at the encampment. We believe many of the encampment occupants lack access to alternative shelter for overnight sleeping. Representatives of the Downtown Streets Team, a nonprofit which works to end homelessness and provides services on behalf of Marin County, visit the encampment to assess the needs of individuals and to provide information on available social services. Based on these visits, as well as discussions that City personnel and others have had with the occupants, we understand that the encampment includes adults, including seniors, and a few families with children.

**Q. Have any health or safety issues been reported at the encampment?**

A. While the City is unaware of any reports of health or safety issues at the encampment, the City has ongoing concerns regarding the lack of conveniently located permanent bathrooms at the encampment, over-crowding, and general compliance with Center for Disease Control ("CDC") Covid-19 recommendations at the encampment .

**Q. Is the encampment located on city-owned property?**

A. The tents that comprise the encampment have been set up on land owned by the City as well as on neighboring private property.

**Q. What services is the City providing to the encampment?**

A. In March, the City rented and set up two portable toilets, a handwashing station and a debris box at Dunphy Park. In addition, the Sausalito Police Department frequently stops by the encampment out of concern for overall safety. The City recently retained Urban Alchemy, a nonprofit homeless support organization based in San Francisco, to provide assistance and support to persons at the encampment. In addition, Urban Alchemy removes trash and debris from the encampment to improve health and safety.

**Q. Is Marin County seeing an increase in tent encampments and homelessness?**

A. A [Marin Independent Journal](#) editorial said that it is not known if the number of homeless individuals in the County has increased over the last year, "but the numbers have become more obvious." (A "point-in-time" count to determine the number of homeless individuals in the County was last completed in January 2019; the count was not done this past January because of the pandemic.) The editorial said that many services for the homeless have changed or closed due to the pandemic. Separately, the [City of San Rafael](#) has noted that encampments are one of the "most visible manifestations of unsheltered homelessness," but are relatively rare.

#### City of Sausalito's Policy on Encampments

**Q. Is it OK for anyone to set up a tent in a City park?**

A. The City-owned parks in Sausalito provide daytime recreational use for residents and visitors. They are not equipped with the amenities to support overnight camping. In early February, the City Council adopted a [resolution](#) closing certain City property, including Dunphy Park, to camping and storage of personal property. The resolution, which also prohibited all daytime camping, designated an area in the City's Marinship Park as a temporary, transitional overnight camping location for individuals who have no option of sleeping indoors. The U.S. District Court for the Northern District of California [granted a preliminary injunction](#) on March 1, 2021, enjoining the City from enforcing the resolution, citing concerns that the relocation of the encampment and the prohibition of daytime camping may contribute to the spread of COVID-19 among encampment occupants and the broader public. The order was in response to an [application](#) filed by the Sausalito/Marin County Chapter of the California Homeless Union.

**Q. Does the court order mean that the encampment can be at Dunphy Park for an indefinite period of time?**

A. The [order](#) said that "as the COVID-19 situation changes, the preliminary injunction may need to be revisited," adding that the "calculation of safety risks and the balance of hardships could change if the pandemic recedes." The ruling also noted that the court would be open to receiving a motion by the City to modify its ruling and allow for the encampment to move to Marinship Park, provided the City can prove that there are no toxic risks at the proposed site (due to a nearby boat crushing operation) and "that the move can be safely accomplished."

**Q. What is the City's response to the court ruling?**

A. On April 9, the City filed a [motion](#) asking the court to modify or dissolve the preliminary injunction to permit the relocation of the Dunphy Park tent encampment to Marinship Park, in light of new facts and circumstances. The City said the relocation of the encampment occupants could be safely accomplished. The filing also said that recent soil and air samples demonstrate that the U.S. Army Corps of Engineers' boat disposal operations, located near Marinship Park, present no toxic risks to the park or to those who use the park. As noted above, the court in its March 1 order said it was open to receiving such a motion from the City.

**Q. What is the next step in this legal process?**

A. U.S. District Court Judge Edward M. Chen set an April 29 court date to hear two motions – the City's motion to modify the preliminary injunction to allow the relocation of the encampment to Marinship Park and a [motion](#) filed March 31 by the Sausalito/Marin County Chapter of the California Homeless Union. The motion from the local chapter of the California Homeless Union asks the court to find the City in contempt of the [preliminary injunction](#), citing a March 25 incident during which members of the Sausalito Police Department removed individuals from a houseboat that had been illegally towed from the Army Corps of Engineers yard and then arranged for the vessel to be returned to the yard. The City on April 9 [opposed](#) the contempt motion.

**Q. Why is Marinship Park a better location for an encampment than Dunphy Park?**

Marinship Park offers more space than the encampment location in Dunphy Park and can safely accommodate the encampment's occupants. (The Dunphy Park encampment is encroaching on private property and the owner of that property has informed the City that it objects to this encroachment.) The City is undertaking improvements at Marinship Park to provide for a safe relocation. Improvements include:

- Deep cleaning, repairing, and repainting of the restrooms, as well as regular servicing and restocking of the facilities.

- Supplying portable toilets, handwashing stations, a dumpster, and personal protective equipment.
- Installing social distancing markers for the placement of tents in an area larger than that currently occupied by the Dunphy encampment.

In addition, Marinship Park is the site of [mobile shower/restroom trailers](#) provided twice a week by the Downtown Streets Team, which also provides information on available housing and other support services.

**Q. Does it set a precedent for the City of Sausalito to accommodate a tent encampment?**

- A. Recent directives and legal rulings have provided further guidance for municipalities on this issue, particularly during the COVID-19 pandemic. For example, guidelines from the [Centers for Disease Control](#) indicate that if housing options are not available, encampments should not be broken down when there is a community spread of COVID-19 because dispersment of occupants may heighten the risk of spreading of COVID-19. In addition, a [ruling](#) by the 9<sup>th</sup> Circuit Court of Appeals found that it is unconstitutional to impose criminal penalties on people experiencing homelessness for sleeping outside on public property if those persons have no alternative for sleeping indoors.

**City of Sausalito's Response to the Encampment**

**Q. How is the City of Sausalito trying to help the occupants of the encampment secure alternate housing?**

- A. City officials are working closely with local and state governmental agencies and elected officials, as well as nonprofit organizations, to identify and help to create options for appropriate and alternative housing for the occupants of the Dunphy Park encampment. The City is applying for grant funding under two state programs designed to protect Californians experiencing homelessness during the COVID-19 pandemic and is participating in a group convened by Marin County Health and Human Services to identify appropriate housing options for encampment occupants. Sausalito homeowners interested in helping to expand the supply of affordable housing in Marin County through the development of an Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) can find additional information, including information on loan programs, through the [Housing Choice Voucher Program](#) (Section 8) and the [Marin Housing Authority](#).

**Q. Does Sausalito have the resources or staffing to oversee the issues that arise from having a tent encampment in a public park?**

- A. The City has a track record of helping to provide services to individuals who lack access to shelter or appropriate indoor sleeping quarters. The City participated with other municipalities in Marin County to help launch the [mobile shower program](#) and continues to help fund it. Over the last decade, the City has organized an annual [Homeless Outreach](#) event in the fall prior to the winter storm season. The event has included partner outreach services, such as annual flu shots provided by nurses from Marin County Health and Human Services, a dental exam utilizing the County's Mobile Dental Van, health exams by UC San Francisco nurses, benefits assessment by the Marin County Office of Veteran's Services, clothing, blankets, and emergency supplies donated by Sausalito police officers and community members, and a hot meal generously provided by Saylor's Restaurant and Bar. In the last few years, the mobile shower unit has also participated. As a relatively small city in Marin County, the City of Sausalito does not have staff dedicated to addressing homelessness issues. Members of the City Council, as well as representatives of the Sausalito Police Department and other departments, have in recent months increased participation in efforts across Marin County that are focusing on issues concerning tent encampments.

In addition, the City recently retained Urban Alchemy, a nonprofit experienced in assisting those without shelter, to provide assistance to the encampment three days a week and the Downtown Streets Team, the nonprofit dedicated to ending homelessness, recently added personnel, enabling it to provide additional outreach services in southern Marin County, including Sausalito.

**Q. Why is it taking so long to find appropriate alternative housing for the occupants of the encampment?**

- A. California has the largest homeless population in the nation, according to a [recent state audit](#). The state has shelter capacity for only 30 percent of the people experiencing homelessness; Marin County faces the same lack of housing, according to the [City of San Rafael](#). In light of this situation, [Marin County is taking steps](#) to increase the availability of safe housing and services in order to provide accessible alternatives to living on the streets or in public parks.

**Homelessness and the Anchor-Out Community**

**Q. Are most of the occupants of the Dunphy Park encampment without shelter because they lost their boats in recent storms or their vessels have been confiscated and destroyed?**

- A. We believe that some of the encampment occupants had been living on vessels in Richardson's Bay.

**Q. Has the City confiscated and destroyed the vessel of any encampment occupant?**

- A. No. In recent years, the City has worked diligently to remove marine debris from Sausalito waters. There are 6 vessels remaining in Sausalito waters that have been declared "legacy anchor outs" by the Sausalito City Council and are not being removed immediately. Under the City's [agreement](#) with the Bay Conservation and Development Commission (approved unanimously by the commission on January 21, 2021) those vessels are slated for removal by the end of 2025. The City is working with occupants of some of these vessels to be moved into local marinas as part of the Safe Harbor Program under the City's [Waterfront Management Plan](#).

**Q. What is the policy of the Richardson's Bay Regional Agency (RBRA) in terms of removing vessels from Richardson's Bay?**

- A. The City of Sausalito is not a member of the RBRA, but does interact with the agency. It is the City's understanding that the RBRA is removing unoccupied marine debris vessels from Richardson's Bay. Information on the RBRA is available at [rbra.ca.gov](http://rbra.ca.gov).